

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ESHA RESEARCH, LLC, now known as)
TRUSTWELL,)
Plaintiff,)
v.) C.A. No. 25-206-RGA
RLH ASSETS, LLC d/b/a FOODWIT; and)
DOES 1-20,)
Defendants.)

JURY TRIAL DEMANDED

**DEFENDANT'S MOTION TO DISMISS OR TRANSFER
UNDER 28 U.S.C. § 1406 OR TO TRANSFER UNDER 28 U.S.C. § 1404**

Under Fed. R. Civ. P. 12(b)(3) and 28 U.S.C. § 1406, defendant RLH Assets, LLC respectfully moves to dismiss this action for lack of venue, or transfer it to the United States District Court for the District of Oregon. In the alternative, under 28 U.S.C. § 1404, defendant moves to transfer this action to the United States District Court for the District of Oregon.

The grounds for this motion are set forth in the concurrently filed opening brief and accompanying papers, briefing on those papers, all other matters of record filed in this action, any argument at hearing of this matter, and such other materials the Court may consider.

NOW, THEREFORE, defendant RLH Assets, LLC respectfully requests the Court to grant this motion and to enter the proposed form of order attached as Exhibit 1.

OF COUNSEL:
Matthew S. Warren
Erika H. Warren
Shaida Shahinfar
WARREN KASH WARREN LLP
2261 Market Street, No. 606
San Francisco, CA, 94114
(415) 895-2940

Dated: April 22, 2025

/s/ Nathan R. Hoeschen
Karen E. Keller (No. 4489)
Nathan R. Hoeschen (No. 6232)
SHAW KELLER LLP
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
kkeller@shawkeller.com
nhoeschen@shawkeller.com
Attorney for Defendant RLH Assets, LLC
d/b/a Foodwit